

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

Same Day Processing, Inc.;
44 North Lists LLC;
Right Donor Builders PDM LLC; and
The Free USA, LLC

Plaintiffs/Counterclaim
Defendants

vs.

Gabriel Franck

Defendant/Counterclaim
Plaintiff/Third-Party
Plaintiff

vs.

Thomas Datwyler

Third-Party Defendant.

Civil No. 23-731

**DECLARATION OF KEVIN S.
SANDSTROM IN SUPPORT OF
MEMORANDUM OF LAW IN
OPPOSITION TO
PLAINTIFFS/COUNTERCLAIM
DEFENDANTS AND THIRD-PARTY
DEFENDANT'S MOTION TO
DISQUALIFY**

I, Kevin S. Sandstrom, state and declare as follows:

1. I am an attorney licensed to practice law in the State of Wisconsin and my law firm has been retained to co-represent Defendant/Counterclaim Plaintiff/Third-Party Plaintiff Gabriel Franck ("Franck") in the above-referenced matter.

2. This Declaration is offered in support of Franck's Memorandum of Law in Opposition to Plaintiffs/Counterclaim-Defendants and Third-Party Defendant's Motion for Disqualification of Counsel of Eckberg Lammers, P.C. and me, as counsel for Defendant/Counterclaim Plaintiff Gabriel Franck.

3. Same Day Processing, Inc. (“SDP”), is a privately owned entity located in Hudson, Wisconsin, incorporated under the laws of the State of Wisconsin, and in the business of soliciting contributions on behalf of federal and state political candidates.

4. On December 7, 2023, Kristopher Krentz (“Krentz”), Mr. Franck’s other attorney, referred Mr. Franck to my office regarding potential co-representation in the above-captioned lawsuit.

5. On December 8, 2023, I requested and obtained from Mr. Krentz the names of the involved parties so that I could perform a conflict of interest check in relation to the parties involved.

6. Upon running the conflict check, I discovered the past Eckberg Lammers files regarding SDP general corporate and employment files and promptly discussed them with Attorneys Nick Vivian and Lida Bannink, who had been the past attorneys for SDP.

7. On December 12, 2024, Vivian, Bannink, and I determined that there was no conflict of interest in relation to SDP as a former client because the past corporate and employment files were not related to this litigation matter in any way and that there was no mention or knowledge of Gabriel Franck in those files or legal work, which was also confirmed by Vivian and Bannink. I ascertained that the most recent legal work was a quick, simple, and straightforward share redemption transaction of the shares of SDP’s prior majority owner, Jeffrey Larson, which was completed in early 2022, and which bears no relation to the issues with Mr. Franck. Prior to that, the next most recent legal work was performed way back in late 2018 and early 2019 and likewise had no relation to Mr. Franck or the issues in this lawsuit. The prior representations of SDP had ended

years ago and did not impart any information of relevance to the issues in this lawsuit. Consequently, I began working on this litigation on behalf of Mr. Franck.

8. On December 29, 2023, Attorney Krentz included me in an e-mail that he had sent to Plaintiffs' counsel concerning the Rule 26(f) conference. That same day, Plaintiffs' counsel e-mailed Krentz and me, with the concern that Eckberg Lammers had a conflict of interest.

9. During the following weeks, multiple e-mails were exchanged between me and Plaintiffs' counsel, regarding whether our firm had a conflict of interest. I repeatedly advised counsel for SDP that we did not believe any conflict of interest existed.

10. On January 4, 2024, I filed a Notice of Appearance with the Court. (ECF Dkt. No. 22.)

11. On January 10, 2024, I received a letter from Mr. Datwyler, as SDP's majority shareholder, demanding that Eckberg Lammers immediately hand over its Corporate and Employment files to SDP's current counsel, Faegre Drinker Biddle & Reath LLP.

12. Shortly thereafter, my law firm, Eckberg Lammers, complied with this request, compiled those past files, and provided SDP's Corporate and Employment files to Plaintiffs' counsel via an email containing Dropbox link to both.

13. On February 23, 2024, SDP along with other plaintiffs, filed its Motion to Disqualify both the law firm of Eckberg Lammers and me, as counsel for Defendant/Counterclaim Plaintiff Gabriel Franck. (ECF Dkt. No. 34.)

14. My law firm's past general corporate and employment-related work have nothing to do with the allegations included in the Complaint or Counterclaims in this litigation.

Pursuant to 28 U.S.C. §1746, I declare under the penalty of perjury that the foregoing is true and correct. Executed on the 11th day of March 2024, in the County of Washington and the State of Minnesota.

/s/Kevin S. Sandstrom
Kevin S. Sandstrom